

7) The U.S. Army Corps of Engineers will accomplish final implementation of the agreed upon mitigation approach through the issuance of permits. Should the U.S. Army Corps of Engineers not issue permits consistent with the Lakebelt provisions in state statute and the Lakebelt Plan accepted by the legislature during the 1997 legislative session, by September 30, 2000, then the mitigation fee will be suspended until re-adopted by the Florida Legislature.

The Lakebelt mitigation plan was contained in the Florida Legislature House Bill 4071. The bill was passed by the Legislature, but vetoed by Governor Chiles. In a letter dated May 28, 1998, to the Secretary of State, Sandra B. Mortham, Governor Chiles said:

"I find especially laudable the Miami-Dade County Lakebelt Mitigation Plan in the bill. Standing alone, the Lakebelt Mitigation Plan would have met with my approval. While I am taking action to veto this bill, I encourage all agencies who would be participating in the Lakebelt Mitigation Plan to carry out its provisions to the degree possible absent the statutory provisions. I strongly encourage the Florida Legislature to take up and pass in 1999 the provisions of the Lakebelt Mitigation Plan, and in the intervening period, I pledge my executive authority to its legal extent to carry out the Lakebelt Mitigation Plan."

Subsequently during the 1999 Florida Legislative session, as hoped by the late Governor Chiles, the Lakebelt Mitigation Plan was approved by the Legislature and signed into law by Governor Jeb Bush.

## **8.0 COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS**

### **8.1 National Environmental Policy Act of 1969, as amended**

Environmental information on the project has been compiled and the Draft Programmatic Environmental Impact Statement, Northwest Miami-Dade County Freshwater Lakebelt Project, dated February 1999. A systematic interdisciplinary approach to planning has been utilized; alternatives have been studied, developed and described; and ecological information has been developed and utilized. A notice of availability for the Draft PEIS was published in the Federal Register, Volume 64, Number 48, on March 12, 1999. The Draft Programmatic Environmental Impact Statement was circulated until May 30, 1999 in accordance with the National Environmental Policy Act for public review and comment. A Final PEIS has been prepared incorporating comments and recommendations provided by state, Federal and local agencies, a native American Tribe, non-governmental organizations, and the public and including a compilation of reviewer comments and agency responses in **Appendix H**. This Final PEIS is being circulated in accordance with the National Environmental Policy Act for a period not less than thirty days.



## **8.2 Endangered Species Act of 1973, as amended**

Formal consultation was initiated on April 14, 1998 and completed on May 19, 1998. This project was fully coordinated under the Endangered Species Act; therefore, this project is in full compliance with the act. The Biological Opinion on this project is contained as **Annex A**.

## **8.3 Fish and Wildlife Coordination Act of 1958, as amended**

This Act is not applicable however, in the spirit of this Act and under the procedures for implementing NEPA, the USFWS has been asked to be a planning partner (Cooperating Agency) in the planning of this project. The USACOE Jacksonville District has and would continue to maintain continuous coordination with the USFWS during all stages of the planning process.

## **8.4 National Historic Preservation Act of 1966, as amended**

National Historic Preservation Act of 1966, as amended (PL 89-655) and the Archeological and Historic Preservation Act, as amended (PL 93-291). At this stage, the project is in compliance with the Acts. The Florida SHPO has concurred that, upon fulfillment of conditions set forth in their letter dated December 4, 1992, this work will have no adverse affect on historic properties listed or eligible for listing on the National Register of Historic Places.

Prior to initiation of ground disturbing activities, systematic archeological surveys should be performed. Such surveys will be completed and the results reviewed prior to issuance of permits under this programmatic document. The purpose of the surveys will be to locate and assess the significance of historic properties and determine if activities proposed under the permit will adversely affect these properties. If it is determined that significant historic properties will be adversely affected by the project, a plan will be developed, in consultation with the SHPO, to avoid, minimize or mitigate effects to historic properties. Actions under the plan shall be completed prior to initiation of ground disturbing activities. All work will be conducted in compliance with the National Historic Preservation Act of 1966, as amended (PL 89-655) and the Archeological and Historic Preservation Act, as amended (PL 93-291).

## **8.5 Clean Water Act of 1972, as amended**

The study is in partial compliance. Full compliance would be achieved with issuance of a Section 401 permit from the State of Florida. A Section 404(b)(1) Evaluation is included in this report as **Annex B**.

#### **8.6 Clean Air Act of 1972, as amended**

Coordination on April 3, 1996 with DERM, Air Quality Division determined the proposed project is in partial compliance with the Clean Air Act. No permit would be required for this project. However, the mining and processing of limestone requires permits which have conditions that impose mitigation measures for the control of airborne particulate matter. Full compliance would be achieved with receipt of comments on the Final PEIS from U.S. Environmental Protection Agency.

#### **8.7 Coastal Zone Management Act of 1972, as amended**

This study is in partial compliance at this time. Full compliance would be achieved with receipt of comments from the Florida State Clearinghouse. A federal consistency determination in accordance with 15 CFR 930 Subpart C is included in this report as **Annex C**.

#### **8.8 Farmland Protection Policy Act of 1981**

Coordination with the U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS), on February 10, 1998, determined that approximately 1,790 acres of agricultural lands would be impacted by this project. Of this area approximately 37 acres are classified as unique by NRCS. This project was fully coordinated under the Farmland Protection Policy Act; therefore, this project is in full compliance with the Act.

#### **8.9 Wild and Scenic River Act of 1968, as amended**

The study is in full compliance. No rivers designated under the Act are in the study area.

#### **8.10 Estuary Protection Act of 1968**

This Act is not applicable since no estuaries would be affected by this project.

#### **8.11 Federal Water Project Recreation Act of 1965, as Amended**

This Act is not applicable since no Federal recreation funds would be expended by this project.



#### **8.12 Resource Conservation and Recovery Act of 1976**

This law has been determined to be not applicable, as there are no items regulated under this Act either being disposed of or affected by this project.

#### **8.13 Toxic Substances Control Act of 1976**

This law has been determined to be not applicable, as there are no items regulated under this Act either being disposed of or affected by this project.

#### **8.14 Marine Protection, Research, and Sanctuaries Act of 1972, as amended**

This Act is not applicable. Ocean disposal of dredged material is not proposed.

#### **8.15 Rivers and Harbors Appropriation Act of 1899**

The study is in full compliance. The proposed work would not obstruct navigable waters of the United States.

#### **8.16 Coastal Barrier Resources Act**

This Act is not applicable. The study area is not in a designated CBRA unit.

#### **8.17 E.O. 11990, Protection of Wetlands**

The study is in full compliance. By nature of the project, it involves work in wetlands, and no practicable alternative to working in wetlands exists. Approximately 23% of the functions and values of the wetlands impacted are mitigated through restoration/enhancement of degraded wetlands within the study area. Additional mitigation sites will need to be identified for the project to achieve complete mitigation. A detailed mitigation plan is included in this report in Section 7.0.

#### **8.18 E.O. 11988, Floodplain Management**

The study is in full compliance. The considered alternatives support avoidance of development in the flood plain, continue to reduce hazards and risks associated with floods and to minimize the impacts of floods on human safety, health and welfare, and restores and preserves the natural and beneficial values of the base flood plain.

#### **8.19 E.O. 12114, Environmental Effects Abroad of Major Federal Actions**

This Executive Order is not applicable to this study.

## **8.20 E.O. 12898, Environmental Justice**

Executive Order 12898 requires the Federal government to review the effects of their programs and actions on minorities and low income communities.

The Lakebelt project would not result in any significant impacts to minorities or low-income communities.

## **9.0 COORDINATION**

The USACOE, Jacksonville District has lead responsibility for the preparation of this Final PEIS. The USFWS, USEPA, SFWMD, DERM and the South Florida Limestone Mining Coalition were formally asked in October 1992 to participate as Cooperating Agencies in the analysis of this document. The Florida State Historic Preservation Office and FGFWFC have also been coordinated with during the preparation of the DPEIS. A Notice of Intent to prepare an Environmental Impact Statement on this project was published in the Federal Register on September 23, 1992. A Draft Programmatic Environmental Impact Statement was circulated for public and agency review prior to its preparation as a Final Programmatic Environmental Impact Statement.

## **10.0 PUBLIC INVOLVEMENT**

A Scoping Letter describing the proposed project and soliciting comments was sent to interested governmental agencies, academic institutions, and the interested public on October 28, 1992. In 1992 the Florida Legislature created the Northwest Miami-Dade County Freshwater Lake Plan Implementation Committee (Committee) as a public and private partnership charged with the task of planning a freshwater lake system to replace the checkerboard mosaic of quarried lakes now being created. The Committee has met almost monthly since 1992. These meetings are open to the public. Also there have been numerous public workshops, one of which included both land and aerial tours of the study area.

A Draft Programmatic Environmental Impact Statement was circulated until May 30, 1999 for public review. Comments received were incorporated into this Final Programmatic Environmental Impact Statement as **Appendix H**.